

## **REMARKS**

The enclosed is responsive to Examiner's Office Action mailed on August 21, 2006. At the time Examiner mailed the Office Action claims 1-3, 5, 12-17, 19 and 26 were pending. By way of the present response Applicant has: 1) amended claims 1, 12 and 26; and 2) added claims 27-32. Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented. No new matter has been added.

### **I. Claim Rejections – 35 U.S.C. §103**

Claims 1-3, 5, 12-17, 19 and 26 stand rejected under 35 USC. § 103(a) as being unpatentable over Kfoury, U.S. Patent No. 6,549,789 B1 ("**Kfoury**") in view of Chen et al, U.S. Patent No. 6,856,507 B2 ("**Chen**"). It is respectfully submitted that claims 1-3, 5, 12-17, 19 and 26 include limitations that are not disclosed or suggested by **Kfoury** and **Chen**, individually or in combination.

#### **A. Overview of Kfoury**

**Kfoury** discloses a portable electronic device with improved adaptability of user interfaces allowing multi-mode operation and disability access while reducing manufacturing time and cost. See **Kfoury** at col. 2, lines 13-16. The **Kfoury** device is capable of switching between multiple user interfaces in a variety of combinations. For example, a user may switch from PDA to radio telephone mode by manipulating the position of a first housing portion relative to a second housing portion. See

**Kfoury** at col. 4., lines 24-27 (“[t]he microprocessor may ... receive signals from a ... second position sensor 134 indicating the rotation position of the first housing portion 202 relative to the second housing portion”). A user may also switch between modes based on user input commands. Id. at lines 27-28. Additionally, a user may switch between modes based on whether or not the housing is in the open or closed position. See id. at lines 29-34 (“[t]he microprocessor may further receive signals from a first position sensor 133 indicating whether the housing is in the open or closed position”). **Kfoury** accomplishes this using a switch. See Kfoury col. 6, lines 45-65 (“[w]hen rotating the device from position to position detectors mounted within the first housing portion and coupled to the microprocessor 103, provide housing position information thereto. In the case of the preferred embodiment of the present invention, the detector is a reed switch”). The **Kfoury** device discloses a multi-mode device which switches between modes either by manual user input or in response to signals received from position sensors indicating the relative orientation of the first housing relative to the second housing. Thus, the disclosure in **Kfoury** is limited to a multi-mode device capable of mode switching, but only based upon user input or in response to signals received from position sensors.

### **B. Independent Claims 1, 12 and 26**

With respect to claims 1, 12 and 26, the Office Action has asserts that **Kfoury** discloses the invention substantially. See Office Action, Aug. 21, 2006, pp. 3-4. However, the present application differs from **Kfoury** in that a system that complies with claims 1, 12 and 26 includes an “operational mode selection module” which is

operable to switch between modes based on a "plurality of triggering events." Thus, a system complying with claims 1, 12, and 26 (as amended) is not limited to switching between modes either by manual user input or in response to signals received from position sensors. Therefore, Applicant has amended independent claims 1, 12 and 26 to further clarify this distinction. Accordingly, independent claim 1 currently recites:

1. A data processing apparatus having a memory for storing program code and a processor for processing the program code comprising:

a body having a surface defining a first plane, the body comprising

a first user interface including a first plurality of control elements for entering data and performing control operations and

a second user interface including a second plurality of control elements for entering data and performing control operations, wherein the first plurality of control elements comprise a keyboard and wherein the second plurality of control elements comprise a set of control buttons;

a display having a display area defining a second plane, the display directly coupled to the data processing apparatus at a pivot point and rotatable around the pivot point from a first position to a second position, wherein the display is viewable in both the first position and the second position and wherein both the first and second groups of control elements are exposed when the display is in the second position, and wherein only the second group of control elements are exposed when the display is in the first position,

an operational mode selection module for selecting between a first operational mode and a second operational mode in response to a plurality of triggering events, said triggering events including:

output from one or more operational mode sensors configured to trigger when the display is rotated from the second position to the first position or from the first position to the second position;

execution of program code from one or more applications currently running on the data processing device; and/or

manual user input by selecting one or more of the plurality of control elements located within said first or second user interfaces;  
and

image inversion logic to invert images on the display responsive to the selected operational mode,

wherein execution of the program code by the processor causes the operational mode selection module to adjust the functions associated with the first and second plurality of control elements based on the selected operational mode,

wherein the first and/or second plurality of control elements perform a first plurality of defined functions when the data processing apparatus is in the first operational mode and perform a second plurality of defined functions when the data processing apparatus is in the second operational mode.

Claims 12 and 26 have been similarly amended. Examiner should note that Applicant has not added new matter with the above amendments. Specifically, the “operational mode selection module” is disclosed in the specification and drawings. See spec. p. 27, paragraph [0067]; Fig. 15. Additionally, the “triggering events” are disclosed in the specification. See spec. at p. 28, paragraphs [0067-0068]. Finally, the “memory for storing program code” (see spec. at p. 41, paragraph [0094]; Fig. 14) and “a processor for processing the program code” (see spec. p. 41, paragraph [0093]; Fig. 14) are each disclosed in the specification and drawings.

Also, the present application discloses a system which is capable of switching between modes based on “execution of program code from one or more applications currently running on the data processing device.” See claims 1, 12 and 26 (as amended). For example, “a telephony application may detect incoming calls and provide an indication of the incoming calls to the operation mode selection module 1500, which may then switch to the “telephony” operational mode described above. Similarly, if a telephony-based application is executed (e.g., because the user opens

a telephone list), this may indicate that the user is going to use the data processing device as a telephone. Conversely, if the user opens an instant messaging application or Web browser, this may indicate that the user does not wish to use the device as a telephone but, rather, may wish to use the device for text entry.” See spec., p. 28, paragraph [0068]. Applicant submits that this functionality is absent from the **Kfoury** disclosure. **Kfoury** does not disclose, expressly or implicitly, switching modes based on “execution of program code from one or more applications currently running on the data processing device.” As discussed above, the **Kfoury** device only discloses mode switching based upon user input or in response to signals received from position sensors. Accordingly, Applicant respectfully requests withdrawal of the claim rejections.

Additionally, Applicant submits that **Kfoury** does not teach “execution of the program code by the processor causes the operational mode selection module to adjust the functions associated with the first and second plurality of control elements based on the selected operational mode.” As argued in Applicant’s previous response, although **Kfoury** discloses various operational modes and a reed switch which may automatically detect the operational mode of the device based on device position, it does not disclose that functionality of control elements changes based on the operational mode.

In response to Applicants arguments that **Kfoury** does not disclose changing functionality of control elements based on the operational mode, the Office Action states that “[i]t has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.” See Office Action at p. 6. As a result, claims 1, 12 and 26 have been amended to include a

“data processing apparatus having a memory for storing program code and a processor for processing the program code” in order to overcome the rejection. Applicant submits that claims 1, 12 and 26 as amended are directed to an apparatus containing a memory for storing program code and a processor for processing it. Applicant submits that the prior art apparatus which satisfies the claimed structural limitations no longer anticipates the present application. Thus, Applicant submits that **Kfoury** does not teach “execution of the program code by the processor causes the operational mode selection module to adjust the functions associated with the first and second plurality of control elements based on the selected operational mode” as required by claims 1, 12 and 26 (as amended). Accordingly, Applicant respectfully requests withdrawal of the claim rejections.

The Office Action also states that **Kfoury** discloses “image inversion logic to invert images on the display.” See Office Action at p. 3. As argued in Applicant’s previous response; however, **Kfoury** does not teach “image inversion logic to invert images on the display.” Nowhere in the **Kfoury** reference is image inversion logic expressly mentioned.

In response to Applicants arguments that **Kfoury** makes no reference to image inversion logic, the Office Action states that “[i]t has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.” See Office Action at p. 6. As discussed above, claims 1, 12 and 26 have been amended to include a “data processing apparatus having a memory for storing program code and a processor for processing the program code” in order to overcome the rejection. Thus, Applicant submits that **Kfoury** does not

teach “image inversion logic to invert images on the display responsive to the selected operational mode” as required by claims 1, 12 and 26 (as amended).

Accordingly, Applicant respectfully requests withdrawal of the claim rejections.

Claims 2, 3, 5, 13-17, and 19 are each dependent on one of claims 1 and 12, either directly or indirectly, and incorporate all the limitations contained therein. Accordingly Applicant respectfully submits that claims 2, 3, 5, 13-17, and 19 are allowable over the cited art references for all of the reasons stated above with respect to claims 1 and 12.

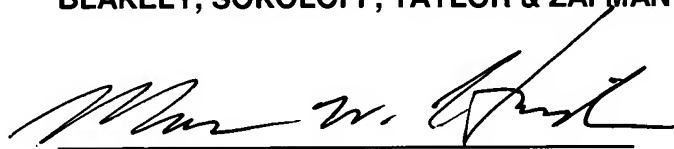
### **CONCLUSION**

Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, Examiner is invited to contact Matthew W. Hindman at (408) 720-8300.

Respectfully Submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP**

Date: 11-21-06

A handwritten signature in black ink, appearing to read "Matthew W. Hindman", written over a horizontal line.

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